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August 16, 2005

BY E-FILING AND HAND DELIVERY

The Honorable Gregory M. Sleet
 United States District Court
 844 North King Street
 Wilmington, DE 19801

Re: Lemon Bay Partners, LLP v. Bruce L. Hammonds, *et al.*
Civil Action No. 05-327-GMS

Dear Judge Sleet:

Defendants are filing together with this letter a proposed Stipulated Scheduling Order extending by 30 days defendants' time to respond to the Amended Complaint in this action, from August 17, 2005 to September 16, 2005. Plaintiff has agreed to this request. This is defendants' first request for an extension of time to respond to the plaintiff's complaint.

Defendants seek an initial 30-day extension in order to facilitate the coordination of proceedings in this case with those in *Donald F. Benoit v. Bruce L. Hammonds, et al.*, Case No 1:05-cv-00361-GMS, a closely related derivative action also pending before Your Honor. An amended complaint was filed in the *Benoit* action on August 8, 2005.

Counsel for defendants has discussed with counsel for plaintiffs in both actions the possible consolidation of these two actions as well as a schedule to follow that consolidation. Plaintiffs' counsel has stated that plaintiffs will agree to consolidate the two actions and that they intend to file a consolidated amended complaint. The 30-day extension requested in this action will enable counsel for the parties to complete their discussions, establish a comprehensive,

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agreed-upon schedule that will result in substantial efficiencies both for the Court and the parties, and obviate the need for defendants to respond to a complaint that plaintiffs have said will be superceded by a consolidated amended complaint. The parties intend to submit for the Court's consideration agreed-upon papers before the expiration of the requested 30-day extension.

Respectfully yours,



Richard H. Morse (I.D. No. 531)

RHM:mmeeh

cc: Clerk of the Court (By E-filing)
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